

IN THE
Supreme Court of the United States

OCTOBER TERM, 1978

No. 78-91

R. W. JONES, SR., *et al.*,
Petitioners,

v.

CHARLES T. WOLF, *et al.*,
Respondents.

**BRIEF OF AMICI CURIAE GREEK ORTHODOX
ARCHDIOCESE OF NORTH AND SOUTH AMERICA
AND ASSYRIAN ORTHODOX CHURCH IN THE UNITED
STATES AND CANADA IN SUPPORT OF THE
PETITION FOR A WRIT OF CERTIORARI**

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INTEREST OF AMICI CURIAE

The Greek Orthodox Archdiocese of North and South America is a hierarchical church under the jurisdiction of the Ecumenical Patriarchate of the Eastern Orthodox Church in Constantinople. Its primate in the Americas is His Eminence Archbishop Iakovos who together with the Synod of Bishops and the Archdiocesan Council of Clergy and Laity administer its more than 450 parishes in the United States.

The Greek Orthodox Archdiocese of North and South America is governed hierarchically with parishes under the diocesan supervision of its bishops and the bishops responsible therefor to the Archbishop and to the Synod of Bishops. As a result, its church government is sufficiently similar to that of the Presbyterian Church in the United States so that it is seriously affected by the decision below.

The Assyrian Orthodox Church in the United States and Canada is a hierarchical one, with a form of government sufficiently similar to that of TPCUS so that the church could be affected by the decision below.

CONSENT OF THE PARTIES

This Brief of Amici Curiae is being submitted with the consent of both parties, whose letters of consent are on file with the Clerk.

ARGUMENT

Amici will not burden the Court with a repetition of the arguments already advanced in the Petition for a Writ of Certiorari, Petitioners' Reply Memorandum, and the Brief for The Presbyterian Church in the United States As Amicus Curiae in Support of The Petition for a Writ of Certiorari. Instead, Amici wish to assert their agreement with, and their adoption of, the arguments presented in those briefs and memoranda.

In addition, Amici wish to emphasize to the Court that the problems inherent in this case are not simply "Presbyterian" problems. On the contrary, the confusion that exists in the lower courts about the deference to be paid to decisions of hierarchical church courts in matters of legitimate ecclesiastical concern—including which of two or more groups constitute the true congregation of a particular church—is causing serious problems for many different religions. If this Court does not reverse the decision below, we are truly concerned that church court de-

cisions will increasingly be ignored by secular courts in the future, and that the application of so-called "neutral principles" for the resolution of problems such as presented in this case will in fact act as an intrusion into church affairs and an abridgment of the separation of church and state, contrary to the dictates of the First Amendment.

We respectfully suggest that the issues here are of fundamental significance to numerous churches, representing many, many millions of members, throughout the country. A failure to resolve these issues now will cause numerous additional lawsuits, with a concomitant drain on the available funds of a large number of varying religions—funds intended for the more direct religious work of each church on behalf of all its parishioners.

CONCLUSION

For the foregoing reasons, Amici Curiae respectfully urge this Court to grant a writ of certiorari and to reverse the decision below.

Respectfully submitted,

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